

IN THE SUPREME COURT OF THE STATE OF OHIO

STATE OF OHIO, EX REL. DAVE :  
YOST, ATTORNEY GENERAL, :  
Relator, : Case No. 2024-1250  
v. :  
COLUMBUS CITY SCHOOLS BOARD :  
OF EDUCATION, :  
Respondent. :

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EMERGENCY MOTION FOR WRIT OF MANDAMUS AND COMBINED  
MEMORANDUM IN SUPPORT OF RELATOR’S COMPLAINT AND  
IN SUPPORT OF EMERGENCY MOTION

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*Counsel for Relator, State of Ohio ex rel. Dave Yost, Attorney General*

NOW COMES Relator, State of Ohio ex rel. Dave Yost, Attorney General, respectfully requesting that this Court issue a temporary emergency writ against Respondent, the Columbus City Schools Board of Education (the "Board"). Specifically, the State requests that the Court order the Board, effective immediately and during the pendency of these proceedings pending a final resolution of the State's claims, to provide transportation for private and charter school pupils who have requested mediation in response to the Board's decision not to transport them to the schools of their choice. Ohio law mandates that the Board "provide transportation for [any such] pupil from the time the parent, guardian, or other person in charge of the pupil requests mediation until the matter is resolved" either through mediation or subsequent R.C. Chapter 119 proceedings. R.C. 3327.02(E)(2). The Board continues to ignore this clear legal duty even after this lawsuit was filed.

The State requests that the Court issue this temporary emergency relief immediately or as soon as possible after allowing the Board a short time to respond to this motion. Such immediate emergency relief is necessary to prevent further ongoing irreparable harm to students, families, and private and charter schools.

The Board's refusal to comply with its clear transportation duties extends beyond this specific abrogation, and the remaining proceedings in this matter will afford the parties to fully brief those broader issues. In the meantime, however, the Court should order that the Board provide transportation to students who have initiated a challenge to the

Board's initial decision to refuse transportation. A brief in support of this motion is attached hereto.

Respectfully submitted,

DAVE YOST (0056290)  
Ohio Attorney General

/s/ Erik J. Clark

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Deputy Attorney General

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*Dave Yost, Attorney General*

## MEMORANDUM IN SUPPORT

The Attorney General brings this emergency motion to protect the well-being of the State and its citizens from the Board's indefensible failure to follow the law. The clear and unambiguous statute expressly obligates the Board to "provide transportation for the pupil from the time the parent, guardian, or other person in charge of the pupil requests mediation until the matter is resolved under division (E)(1)(a) [mediation] or (b) [R.C. Chapter 119 proceedings] of this section." *See* R.C. 3327.02(E)(2). Rather than follow the law, the Board has stated publicly that no transportation will be provided during mediation for these students, and instead, the Board will just pay a later "penalty." This was no empty threat. Since this lawsuit was filed, the Board has indeed refused to provide transportation to at least some of these students. In short, the Board apparently has done nothing to rectify its apparently intentional defiance of its clear legal transportation duties, even after families in the district petitioned for reconsideration both generally and in specific cases, and even after the State and at least one family filed mandamus actions in this Court.

As explained below, the Board cannot simply choose to ignore the law now and pay a penalty later. Such a calculated and cavalier approach is a quintessential example of a lack of adequate remedy at law. Only a few years removed from a pandemic that sent shockwaves through our schools, the Board should be doubling down on its efforts to ensure that all students are being transported to schools and getting the education of their

choice. Instead, the Board has chosen to ignore its clear legal duties to the detriment of students in its own district. Accordingly, temporary emergency relief is necessary now to prevent further irreparable harm.

## **BACKGROUND**

### **A. Ohio Law Requires School Boards To Transport A Student During Any Ongoing Dispute Over Whether The Student Is Impractical To Transport.**

Respondent Columbus School Board (“Board”) is the governing body of the Columbus City School District (“Columbus Schools”), an Ohio public school district. As such, R.C. 3327.01 requires the Board to provide transportation for students in its district to and from school, regardless of whether those students attend the schools that the Board operates or attend private or charter schools.

Exceptions to this requirement do exist. First, pursuant to R.C. 3327.01, a student living in a school district is *ineligible* for district-provided transportation if it would take more than thirty (30) minutes of direct travel time between the traditional public school to which the student would have been assigned and the private or charter school the student has chosen to attend. Second, pursuant to R.C. 3327.02, a school board may determine that it would be *impractical* to provide transportation to an eligible student who chooses to attend a private or charter school, based on the following factors:

- (a) The time and distance required to provide the transportation;
- (b) The number of pupils to be transported;
- (c) The cost of providing transportation in terms of equipment, maintenance, personnel, and administration;

- (d) Whether similar or equivalent service is provided to other pupils eligible for transportation;
- (e) Whether and to what extent the additional service unavoidably disrupts current transportation schedules; and
- (f) Whether other reimbursable types of transportation are available.

R.C. 3327.02(A). If a school board determines that a student is impractical to transport, it may decline to provide transportation to the student and instead offer payment to the student's family in lieu of transportation. R.C. 3327.02(C).

While these exceptions do exist, R.C. Chapter 3327 does *not* make the district the final arbiter of whether a student is ineligible or impractical, and it does *not* allow a district to immediately withhold transportation when the student disagrees with the Board's decision. To the contrary, the statute provides safeguards to prevent any temporary wrongful withholding of transportation while a student is challenging the board's initial determination.

With regard to a school board's determination that the student is *ineligible* for transportation under the 30-minute rule, the Ohio Department of Education & Workforce ("ODEW") dictates the conditions under which the school board must conduct its timing run. Moreover, ODEW mandates a second timing run be conducted under ODEW's supervision if the school continues to assert that the 30-minute threshold is exceeded.

Regarding a determination that a student would be *impractical* to transport, the safeguards start in subsection (B) of R.C. 3327.02, which requires that school boards make

impracticality determinations early enough for a student's family and chosen school to receive timely notice and decide whether to challenge the determination. For students already enrolled during the summer months, "such determination must be made not later than thirty calendar days prior to the district's or school's first day of instruction." R.C. 3327.02(B). For a student who enrolls later than this deadline, the determination must be made "not later than fourteen calendar days after the student's enrollment." *Id.* The board "shall report its determination to [ODEW] in a manner determined by the department," *id.*, and "shall issue a letter to the [student's family], the nonpublic or community school in which the [student] is enrolled, and to [ODEW] with a detailed description of the reasons for which such determination was made." *Id.*

Relevant to this motion, the safeguards continue in R.C. 3327.02(E), which sets forth the procedure available to challenge the board's impracticality determination.

(1)(a) Upon the request of a parent, guardian, or other person in charge of the pupil who rejected the payment in lieu of transportation, the department shall conduct mediation procedures. A parent, guardian, or other person in charge of the pupil may authorize the nonpublic or community school in which the pupil is enrolled to act on the parent's, guardian's, or other person's behalf during the mediation proceedings.

(b) If the mediation does not resolve the dispute, the department shall conduct a hearing in accordance with Chapter 119. of the Revised Code. The department may approve the payment in lieu of transportation or may order the district board of education or governing authority to provide transportation. The decision of the department is binding in subsequent years and on future parties in interest provided the facts of the determination remain comparable.

R.C. 3327.02(E)(1).

Most importantly for this motion, “the school district or governing authority *shall provide transportation* for the pupil *from the time the parent, guardian, or other person in charge of the pupil requests mediation until the matter is resolved* under division (E)(1)(a) or (b) of this section.” R.C. 3327.02(E)(2). This plain statutory language demonstrates that the General Assembly anticipated, and chose to prevent, the short-term disruption in school transportation that a student would otherwise encounter based on a school board’s erroneous or unlawful impracticality determination. Rather than force these students to re-obtain their rights to transportation *after* a potentially lengthy process of mediation and administrative review, the General Assembly made clear that if a student challenges a school board’s impracticality determination, the student is entitled to transportation immediately and for at least as long as that dispute-resolution lasts.

**B. The Board Continues To Blatantly Ignore Its Obligation To Transport Students Challenging Impracticality Determinations.**

The Board, however, has chosen not only to willfully abrogate its duty to transport students generally; it also continues to willfully ignore these near-term safeguards. Thus, students not only face the prospect of a permanent loss of their rights to transportation; they also are currently suffering from a lack of transportation despite ongoing disputes about the Board’s decisions.

The number of students that the Board has deemed impractical to transport only continues to grow. While the Relator cannot yet determine the exact number of students and schools impacted, the latest figure announced by the Board was 470 routes and 1,930



students as of September 4, 2024. *See* “Our voices were heard’ Charter schools react to threat of lawsuit over CCS busing changes,” available online at <https://cwcolumbus.com/news/local/our-voices-were-heard-charter-schools-react-to-threat-of-lawsuit-over-ccs-busing-changes> (last visited September 20, 2024).

As explained in Relator’s Complaint, representatives of the Columbus School Board have stated publicly that any payments it chooses to make to the families of students deemed impractical to transport in lieu of complying with its obligations to provide transportation will not be made until the end of the school year, more than nine (9) months from the revocation of transportation services from the affected students. *See* Complaint, Exhibit A.

Further, and most relevant to this motion, Columbus Schools has expressly confirmed that it has no intention of complying with the law to transport students who request mediation while those disputes are ongoing. When asked by a Columbus School Board member during the August 27, 2024 Board meeting if “we’re just taking the penalty?” rather than to comply with the Board’s obligation to provide transportation to private or charter school students deemed impractical to transport and whose families had requested mediation, Columbus Schools Executive Director of Transportation Services Rodney Stufflebean answered flatly, “Correct.” *See* Complaint, Exhibit A (excerpt of Exhibit A attached hereto as Attachment 1).

And that appears to be exactly what the Board is doing, even after this lawsuit was

filed. For example, five days after this lawsuit, Marris Siebold, Relator in *State of Ohio ex rel. Siebold v. Columbus City Schools Board of Education*, 20245-1263, filed a separate action supported by her own affidavit confirming that the Board still was not providing transportation to Ms. Siebold's child as of September 10, 2024, even though she requested mediation on August 22, 2024. *See* Attachment 2 (Siebold Affidavit).

Likewise, since the filing of the Complaint, the Board continues to refuse transportation to provide transportation to students who have requested mediation and for many, mediation has yet to be scheduled.

For example, La'Keeya Jordan's child is enrolled in a charter school within the Columbus School District, Columbus Preparatory Academy, and is eligible for transportation. *See* Attachment 3 (Jordan Affidavit) at para. 2-3. Ms. Jordan has had to request mediation more than once and the mediation is yet to be scheduled. *Id.* at para 8-9. In the meantime, she is still without any transportation provided by Columbus Schools, and instead, she has to pay money to a friend and rely on her friend's availability to transport her child to school (which is in no way guaranteed to continue). *Id.* at para 10-11.

Even more concerning, the Attorney General has discovered that the Columbus Schools are still not timely submitting communications to families so that they can even *request* mediation. For example, Sarah Silver, the Transportation Director at Arts & College Preparatory Academy (a charter school within the Columbus School District) has been tasked with retrieving information from various student families related to their

requests for transportation and for mediation to challenge impracticality determinations. *See* Attachment 4 (Silver Affidavit) at para. 2-3. Through these communications, Ms. Silver is aware of at least one student's family, who is still awaiting an official certified letter of impracticality from the Columbus City Schools. The Columbus City Schools has told the student's parent that a mediation or payment in lieu of transportation cannot be sought until after receipt of this certified letter declaring impracticality. Specifically, on September 20, 2024, the parent inquired about the status of the certified letter and was advised that they are on a list to receive the certified letter, but that there is a backlog and Columbus City Schools does not know of a timeframe for when the parent will receive the certified letter. As such, it is weeks into the school year and the certified letter has still not been received by this family. *Id.* at para. 4.

Unfortunately, Ms. Silver and the Arts & College Preparatory Academy are unaware of how many of their students' families may be in the same position. They have not received adequate information from Columbus City Schools despite their requests, and instead, must attempt to obtain such information from surveying their student population. *Id.* at para 5.

Columbus Schools is leaving these students to hopelessly twist in the wind despite their requests for mediation. But the Board's willful abrogation of its clear legal duty is causing ongoing and irreparable harm not only to students like these, it also continues to create existential threats to *entire schools*. For example, prior to the Board's large-scale

impracticality determinations in August, LINC Academy, a community school in Columbus, had 34 registered students for the 2024-25 school year. *See* Complaint, Exhibit C. Now, LINC Academy's number of registered students has fallen to 27 students, just 2 students above the statutory minimum of 25 students needed for a charter school to remain in operation. Additional LINC students' continued attendance at LINC is in jeopardy due to transportation problems caused by the Columbus School Board's actions. *Id.*

### ARGUMENT

#### **A. Mandamus Relief, Including Temporary Emergency Relief, Is Necessary To Prevent Irreparable Harm To Impacted Students And Families.**

This Court has held that mandamus relief is appropriate where the relator has established "'a clear legal right to the relief requested, a clear legal duty on the part of the [respondent] ... to provide the relief, and the lack of an adequate remedy in the ordinary course of the law.'" *State ex rel. Bonnlander v. Hamon*, 161 Ohio St. 3d 373, 377 (2020) (quoting *State ex rel. Baker v. Indus. Comm.*, 143 Ohio St. 3d 56 (2015)). Moreover, Ohio law expressly contemplates that a court may allow a writ of mandamus "without notice" to the respondent or an opportunity to show cause why it should not be allowed. R.C. 2731.04.

Here, the exigent circumstances facing students and their families provide ample justification for the issuance of immediate temporary relief. The ongoing harm being inflicted upon Ohio students, families, and markets is not only escalating, but will become irreparable without prompt action. Public reports indicate that hundreds – possibly

in excess of one thousand – of students residing within the Columbus Schools district and their families are being forced to endure financial hardships to acquire the transportation for their children that the Columbus School Board has refused to provide. Some members of student families have been forced to resign their jobs or take other actions that jeopardize their jobs in order to provide their children the transportation that the Columbus School Board has refused to provide. *See* Complaint, Exhibit A (excerpt of Exhibit A attached hereto as Attachment 1).

Beyond the impact on the students and their families, the Columbus School Board's actions constitute a significant and immediate threat to the competitive vigor of Ohio's markets for educational services for K-12 students, as illustrated above regarding LINC Academy's current ongoing threat of closure if it falls below 25 students enrolled.

With each school that succumbs to the choking off of the flow of students and funding caused by the Columbus School Board's actions and closes its doors, Ohio students and their families have less choice and less ability to make decisions in the best interests of the students. A closed school that shuttered its buildings and lays off its teachers and staff cannot be resurrected with the flip of a switch. The harm caused by that closure cannot be easily or timely repaired.

The harm to students, their families, and the market caused by the Columbus School Board's current noncompliance will not be fully remedied without intervention by this Court and is further exacerbated with each passing day. Students' families are

enduring job-related and financial hardships and the continued viability of some private or charter schools is threatened with every day that passes in which the Columbus School Board is not honoring its statutory obligation to provide transportation.

**B. The Board’s Plan To Accept The Penalty For Noncompliance Does Not Equate To An Adequate Remedy For Scores Of Affected Families.**

Relator anticipates that the Columbus School Board will claim that mandamus relief is not warranted as R.C. 3327.02(F) provides for a penalty upon the Board related to its failure to transport private and charter students during the pending of mediation.

Ohio law states that:

If [ODEW] determines that [the Board] has failed or is failing to provide transportation as required [while a mediation is pending or as a result of a Chapter 119 decision] . . . [ODEW] shall order the [Board] to pay to the pupil’s parent, guardian, or other person in charge of the pupil, an amount equal to fifty per cent of the cost of providing transportation . . . and not more than two thousand five hundred dollars. The school district board or governing authority shall make payments on a schedule ordered by the department.

See R.C. 3327.02(F). However, just because a penalty for noncompliance is set forth within the statute does not mean that the Board has carte blanche authority to disregard its obligations under Ohio law — particularly when the remedy would not be adequate. In determining whether an adequate remedy at law is available, this Court looks to whether the remedy is “complete in its nature, beneficial and speedy” *State ex rel. Brown v. Canton*, 64 Ohio St. 2d 182, 184-185 (1980) (where this Court determined that the civil penalty set forth in the statute would not afford the party either a complete or a speedy

remedy); *State ex rel. Luchette v. Pasquerilla*, 182 Ohio App.3d 418, 2009-Ohio-2084, ¶ 37 (11th Dist.) (Student parent “did not have adequate remedy at law by way of seeking payment under R.C. 3327.02(F), as this would not provide her with her right to have the school district provide transportation.”).

The anticipated argument from the Board is also at odds with common sense and clearly not in line with what the General Assembly intended when expressing school boards’ obligations to provide the transportation in question. In fact, one must only look to the very next statutory section, R.C. 3327.021, to see the absurdity of such an argument. R.C. 3327.021 addresses the requirements placed upon school boards to comply with transportation requirements for students in their districts. *See* R.C. 3327.021(A). Further, the statute provides for penalties for noncompliance including a withholding of 25%-100% of a district’s daily payment for school transportation and a mandate that the daily amount per pupil be disbursed to the parent or guardian. *See* R.C. 3327.021 (B) and (C).

CCS transports approximately 37,000 students in total. *See* “Ohio AG files suit against Columbus City Schools over charter busing policy,” Columbus Dispatch, available at <https://www.dispatch.com/story/news/education/2024/09/05/david-yost-ohio-attorney-general-columbus-charter-school-busing/75090298007/> (last visited September 20, 2024). Under the Board’s interpretation of the law, it could simply refuse to comply its obligations to transport all 37,000 of these children, opting instead to take the

“penalty” in terms of a hit to its transportation budget. Such a result would be absurd and contrary to Columbus Schools’ obligations to transport students to their schools. Rather, the penalty provision simply provides an incentive to comply and a punishment for the failure to comply with the law in transporting students in the district. It does not invest the Board with the authority not to comply. The same is true for its responsibilities to private and charter school students who are statutorily entitled to receive transportation while their matters are being mediated. The Board cannot simply say “here is a check, as we intend to breach our statutory obligations.”

The Board represents elected officials who are obligated to follow the law. They are supposed to use the financial resources available to them and work collaboratively with interested stakeholders (school, students, families, etc.) to ensure the transportation of all eligible students within the district to the school of their choice. The Board has not taken steps to use its resources to address the reported bus driver shortage. The Board has not sought fit to address issues within its routing systems (for example, the Attorney General was informed that a transportation provider complained there was a 65-student bus route carrying only one student to school). No, instead, the Board decided to allow its concern over a bus shortage to be solved on the backs of private and charter school students, under the theory that if enough are deemed ineligible or impractical, their need to solve problems through available financial and operations solutions would simply float away. And, even worse, they decided to wait to inform



everyone of this secret plan until the final hour when no student or school could possibly adjust to the Board's unprecedented change in its transportation strategy. These haphazard, untimely, last-minute decisions have an unmistakable and irreparable impact on students' ability to get to school this year. Such a reckless and rushed approach cannot possibly be argued to be in the best interests of the students whom the Board was elected to represent.

Simply put, the Board's position that it is not bound by the law impacts real schools and families, some of whom are the most disadvantaged in the State. Those impacts become more severe with each passing day.

### CONCLUSION

For the forgoing reasons, the State respectfully requests that the Court, as soon as possible, grant an emergency and temporary writ of mandamus, effective immediately upon issuance of the writ and through the remainder of this mandamus action, or until the Court orders otherwise, ordering (a) that the Board must immediately provide transportation to any private or charter school student who (through the student's parent, guardian, other person in charge of the student, or the student's nonpublic or community school of choice) has requested or requests mediation to resolve a dispute regarding the Board's refusal to provide transportation on the basis of impracticality, and (b) that the Board must continue to provide such transportation until either the emergency writ is

lifted or the dispute-resolution process in R.C. 3327.02(E) is resolved in the Board's favor.

Respectfully submitted,

DAVE YOST (0056290)  
Ohio Attorney General

/s/ Erik J. Clark

Erik J. Clark\* (0078732)

Deputy Attorney General

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*Counsel for Relator, State of Ohio ex rel.*

*Dave Yost, Attorney General*

**CERTIFICATE OF SERVICE**

I certify that, on September 25, 2024, a true and accurate copy of the foregoing

Motion was served upon the following by regular mail:

Columbus City Schools Board of Education  
c/o Christina Vera, Board President  
270 East State Street  
Columbus, OH 43215  
cvera@columbus.k12.oh.us

and upon the following by e-mail and regular mail:

James A. Barnes  
General Counsel  
270 East State Street  
Columbus, OH 43215  
jbarnes1@columbus.k12.oh.us  
Counsel for the Columbus City Schools Board of Education.

/s/ Erik J. Clark \_\_\_\_\_  
Erik J. Clark (0078732)

# **ATTACHMENT 1**

**IN THE SUPREME COURT OF OHIO**

STATE OF OHIO *ex rel.* DAVE YOST  
ATTORNEY GENERAL,

Relator,

v.

COLUMBUS CITY SCHOOLS BOARD OF  
EDUCATION

Respondent.

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Case No.

**Original Action in Mandamus**

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**AFFIDAVIT OF ANDREA K. DENT**

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STATE OF OHIO :  
: ss  
COUNTY OF FRANKLIN :

Now comes Andrea K. Dent who, having been first duly sworn, attests and affirms from personal knowledge the following:

1. I am over eighteen (18) years of age and am competent to testify as to all matters within this Affidavit. The facts set forth herein are based upon my own personal knowledge.
2. I currently serve, and at all relevant times have served, as Major Litigation Support Specialist at The Ohio Attorney General’s Office.
3. As a part of my job duties, I accessed the documents and information described below via the Internet on the dates listed below. The copies attached to this affidavit are true and accurate copies of the documents and information I accessed online.
4. On September 5, 2024, I accessed the article entitled “Columbus City Schools cancels bus transportation for around 1,380 private school students,” attached hereto as Attachment A-1, and

available online at <https://www.wosu.org/news/2024-08-23/columbus-city-schools-cancels-bus-transportation-for-around-1-380-private-school-students> (last visited Sept. 5, 2024).

5. On September 5, 2024, I accessed the article document entitled 'I'm appalled,' Charter school families call out CCS for lack of transportation,' attached hereto as Attachment A-2, and available online at <https://abc6onyourside.com/news/local/im-appalled-charter-school-families-call-out-ccs-for-lack-of-transportation> (last visited Sept. 5, 2024).

6. On September 5, 2024, I accessed the article document entitled “Parents angry, Ohio AG threatens lawsuit as Columbus removes more students from busing,” attached hereto as Attachment A-3, and available online at <https://www.yahoo.com/news/charter-school-students-columbus-face-003000144.html> (last visited Sept. 5, 2024).

7. On September 5, 2024, I accessed the article document entitled “Columbus schools has millions. Senator lying on Republicans to feed money to school union,” attached hereto as Attachment A-4, and available online at <https://www.dispatch.com/story/opinion/columns/guest/2024/02/20/school-funding-ohio-vochchers/72660665007/> (last visited Sept. 5, 2024).

8. On September 5, 2024, I accessed the video recording of the August 27, 2024 meeting of the Columbus City Schools Board of Education, available at <https://www.youtube.com/watch?v=s132jenOups>, see also <https://www.ccsosoh.us/Domain/162>.

The following is a true and accurate transcription of a portion of the remarks of Columbus City Schools Executive Director of Transportation Services Rodney Stufflebean, found at 1:14:45 on said video recording:

They are...allowed to request mediation. Once we receive that request for mediation, the law does state that we are required to transport if we have the means available. It also states that in the subsection of that that if we do not have the means available, we're subject to a certain penalty for that that would be paid directly to the students or the family, or the school to disburse to the family. Obviously, we've reduced our numbers because of certain reasons, we don't have the ability to start

that. It would increase our routes by about forty-five routes. So we would be subject to the penalty.

When asked by a School Board member if “we’re just taking the penalty?”, Mr. Stufflebean confirmed that to be the case. *See also*, Attachment A-2.

9. On September 5, 2024, I accessed the video recording of the August 27, 2024 meeting of the Columbus City Schools Board of Education, available at <https://www.youtube.com/watch?v=s132jenOups>, *see also* <https://www.ccsok.us/Domain/162>.

The following is a true and accurate transcription of a portion of the remarks of Columbus City Schools School Board member Brandon Simmons, found at 1:16:49 on said video recording:

There’s a very simple solution here, and it’s located at 430 Cleveland Avenue. Central enrollment. If you are a charter school parent and you’re struggling and your child can’t get to school, Columbus City Schools is a great option for your family. It’s a great option for your students. Our staff are better trained. It’s not located in a strip mall. Choose Columbus City Schools.

He goes on to say “That’s what I have to say to folks. If you a charter school parent and you’re struggling to get your kid to school, choose Columbus City schools because we’re the better option anyway.” *See also*, Attachment A-2.

Further affiant sayeth naught.

**ANDREA K. DENT**

Major Litigation Support Specialist, Ohio Attorney  
General's Office

Sworn to before me and signed in my presence, a Notary Public in and for said State of  
Ohio on this 5<sup>th</sup> day of September, 2024.



**JONATHAN ROSS FULKERSON**  
Attorney At Law  
Notary Public, State of Ohio  
My Commission Has No  
Expiration  
Section 147.03 R.C.



# **ATTACHMENT 2**

IN THE SUPREME COURT OF THE STATE OF OHIO

STATE OF OHIO, EX REL. MARRISA	:	
SIEBOLD,	:	
Relator,	:	
	:	
v.	:	Case No. _____
	:	
COLUMBUS CITY SCHOOLS BOARD OF	:	
EDUCATION,	:	<b>On Complaint for Writ of Mandamus</b>
Respondent.	:	

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AFFIDAVIT OF MARRISA SIEBOLD

---

STATE OF OHIO :  
: ss  
COUNTY OF FRANKLIN :

Now comes Marrisa Siebold who, having been first duly sworn, attests and affirms from personal knowledge the following:

1. I am over eighteen (18) years of age and am competent to testify as to all matters within this Affidavit. The facts set forth herein are based upon my own personal knowledge.

2. My child is enrolled in a private school within the Columbus School District, Tree of Life Christian Schools Middle School.

3. My child is eligible for transportation from the Columbus School District and has received that transportation in previous school years.

4. This year, my child's first day of school was August 14, 2024.
5. I did not receive notice that my child had been determined by the Columbus City Schools Board of Education ("Columbus School Board") impractical to transport until August 22, 2024, by electronic mail, after the school year had already begun.
6. I did not receive notice of the School Board's decision by regular mail until August 24.
7. The Notice I received from the School Board did not provide any proposed amount of the "offer" of payment. It did not identify any amount I was being offered as an alternative to transportation, and I still do not know what that amount might be.
8. The form provided an option to accept or reject the offer; the space to accept the "offer" included a statement agreeing to provide transportation "for the consideration named," despite the fact that no monetary amount had actually been named.
9. The Notice I received provided a Columbus City Schools address to return the form accepting or declining payment.
10. I immediately refused the offer of payment and requested mediation, responding by electronic mail on August 22, 2024, and by certified mail on August 26, 2024.
11. No mediation with the Columbus School Board has yet occurred, nor have I received any offer to schedule that mediation.
12. My child has not received any transportation or transportation assistance for the 2024-25 academic year from the Columbus School Board.
13. In my request for mediation, I informed the Department of Education that the School Board was failing to provide transportation while mediation was pending.
14. The injuries I and my family experienced include:

- a. I have been forced to take time off work to provide the transportation to school in the morning and home from school in the afternoon for my child, reducing my income and jeopardizing my employment status. I have had to reduce my regular work hours from 55 to 45 hours a week as a result of the increased time having to be spent driving my child to and from school.
- b. This lost work time has imposed a direct financial burden on me and significantly reduced my income; my wage is hourly and so lost hours have directly translated to lost employment income.
- c. Further, I am incurring wear and tear on my vehicle and gas expenses.
- d. It is approximately 13 miles between my residence and my child's school; it is at least a 20-30 minute drive one way. Having to make this drive there and back twice a day, I experience an hour and a half to two hours of lost time every school day driving to school.
- e. Because of the substantial time I have lost during the middle of the day to drive my child to school, I have had to work significant additional hours before and after the beginning of school in order to maintain full time employment and try to provide for my family. Any hour I do not make up, I lose.

15. I accessed the documents and information described below via the Internet on the dates listed below. The copies attached to this affidavit are true and accurate copies of the documents and information I accessed online.

16. On September 10, 2024, I accessed the article entitled *Columbus City Schools*

*Cancels Bus Transportation For Around 1,380 Private School Students*, attached hereto as Attachment A-1, and available online at <https://www.wosu.org/news/2024-08-23/columbus-city-schools-cancels-bus-transportation-for-around-1-380-private-school-students> (last visited Sept. 10, 2024).

17. On September 10, 2024, I accessed the article entitled “*I’m Appalled*,” *Charter School Families Call Out CCS for Lack of Transportation*, attached hereto as Attachment A-2, and available online at <https://abc6onyourside.com/news/local/im-appalled-charter-school-families-call-out-ccs-for-lack-of-transportation> (last visited Sept. 10, 2024).

18. On September 10, 2024, I accessed the article entitled *Parents Angry, Ohio AG Threatens Lawsuit as Columbus Removes More Students From Busing*, attached hereto as Attachment A-3, and available online at <https://www.dispatch.com/story/news/education/2024/09/03/ohio-ag-dave-yost-threatens-columbus-city-schools-lawsuit-nonpublic-busing-policy/75061043007/> (last visited Sept. 10, 2024).

19. On September 10, 2024, I accessed the press release document entitled *Columbus City Schools Response to Ohio Attorney General Dave Yost*, attached hereto as Attachment A-4, and available online at <https://www.ccsosoh.us/site/default.aspx?PageType=3&DomainID=4&ModuleInstanceID=125&ViewID=6446EE88-D30C-497E-9316-3F8874B3E108&RenderLoc=0&FlexDataID=47381&PageID=1> (last visited Sept. 10, 2024).

20. On September 10, 2024, I accessed the video recording of the August 27, 2024, meeting of the Columbus City Schools Board of Education, available at [https://www.youtube.com/watch?v=s132jenOups&ab\\_channel=ColumbusCitySchoolsBOE](https://www.youtube.com/watch?v=s132jenOups&ab_channel=ColumbusCitySchoolsBOE). The

following is a true and accurate transcription of a portion of the remarks of Columbus City Schools Executive Director of Transportation Services Rodney Stufflebean, beginning at 1:15:07 on said video recording:

They are required to, they are allowed to request mediation. Once we receive that request for mediation, the law does state that we are required to transport if we have the means available. It also states that in the subsection of that that if we do not have the means available, we're subject to a certain penalty for that that would be paid directly to the students or the family, or the school to disburse to the family. Obviously, we've reduced our numbers because of certain reasons, we don't have the ability to start that. It would increase our routes by about forty-five routes. So we would be subject to the penalty.

When asked by a School Board member if "we're just taking the penalty?", Mr. Stufflebean confirmed that to be the case.

21. On September 10, 2024, I accessed the video recording of the August 27, 2024, meeting of the Columbus City Schools Board of Education, available at [https://www.youtube.com/watch?v=s132jenOups&ab\\_channel=ColumbusCitySchoolsBOE](https://www.youtube.com/watch?v=s132jenOups&ab_channel=ColumbusCitySchoolsBOE). The following is a true and accurate transcription of a portion of the remarks of Columbus City Schools School Board member Brandon Simmons, beginning at 1:16:49 on said video recording:

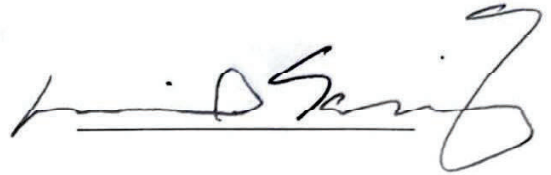
There's a very simple solution here, and it's located at 430 Cleveland Avenue. Central enrollment. If you are a charter school parent and you're struggling and your child can't get to school, Columbus City Schools is a great option for your family. It's a great option for your students. Our staff are better trained. It's not located in a strip mall. Choose Columbus City Schools.

He goes on to say, "[t]hat's what I have to say to folks. If you are a charter school parent and you're struggling to get your kid to school, choose Columbus City schools because we're the better option anyway."

Further affiant sayeth naught.

Marrisa Siebold  
Marrisa Siebold

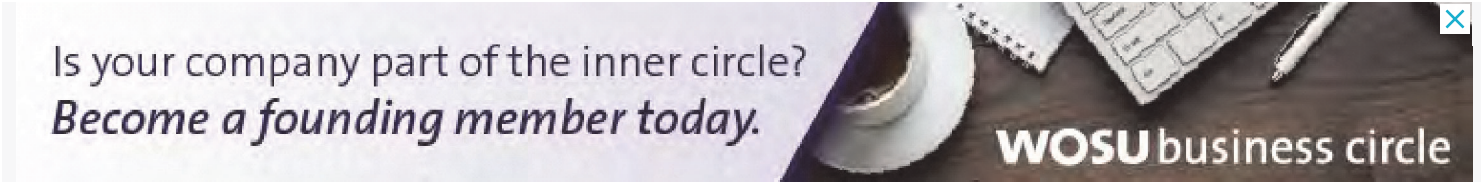
Sworn to before me and signed in my presence, a Notary Public in and for State of Ohio on this 10th day of September, 2024.



**MICHAEL A SCHMITZ**  
Notary Public State of Ohio  
My Comm. Expires December 18, 2028

# **ATTACHMENT A-1**





# Columbus City Schools cancels bus transportation for around 1,380 private school students

WOSU 89.7 NPR News | By Allie Vugrincic

Published August 23, 2024 at 12:09 PM EDT



▶ LISTEN • 1:02



Natasha Williams / WOSU

A Columbus City Schools school bus parked outside Summit Academy School in southeast Columbus.

After several years of bus driver shortages, Columbus City Schools said it has drivers to cover its routes, but hundreds of students who live in the district and attend charter or

About 1,380 charter and nonpublic school students received letters from the district said bussing wouldn't be provided this year, because of an Ohio law that states public schools don't have to provide transportation if students are traveling more than 30 minutes.

The letters said that while the district didn't rely on the rule in the past, "ongoing challenges have forced CCS to enforce this rule."

The district said it's necessary to plan efficient routes around new road construction projects and traffic patterns, especially with students spread out all over the large district.

CCS told families it used Google Maps to run more than 21,200 routes between students' nearest public school and their private schools of choice. CCS also tested some of the routes to prove they take 30 minutes or more.

"In every instance of the sampling, the actual time traveled was either equal to or exceeded the high-end range that the Google map provided," one letter reads.

Families of private school students can contest their ineligibility for bussing by asking for the official timing of their route from the Ohio Department of Education. The district reminded families that requested timing must take place during the actual time that students would be traveling to or from school. Requests are due by Sept. 3.

Columbus City Schools' students went back to school on Wednesday. The district has 470 bus routes for its schools.

For those students attending district schools, the CCS has 446 drivers on staff, with 429 of those currently eligible to drive, according to the district. Twenty-nine drivers are in training. The district also has 25 transportation supervisors.

Tags

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[school bus](#)



WOSU 89.7

Here and Now



## Allie Vugrincic

Allie Vugrincic has been a radio reporter at WOSU 89.7 NPR News since March 2023.

[See stories by Allie Vugrincic](#)



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**Here and Now**

## **ATTACHMENT A-2**

<https://abc6onyourside.com/news/local/im-appalled-charter-school-families-call-out-ccs-for-lack-of-transportation>

## 'I'm appalled,' Charter school families call out CCS for lack of transportation

by Isabelle Hanson

Tue, August 27th 2024 at 11:16 PM





Columbus City Schools bus. August 23, 2024. (WSYX)

## TOPICS:

### [CCS Transportation Charter school Board members Families Columbus City Schools Students Notification](#)

COLUMBUS, Ohio (WSYX) — Columbus City Schools' transportation is in the spotlight again after charter school families spoke to Board members about not including their students in bus routes and untimely notification.

ABC6/FOX28 [first shared their concerns](#) before school started last week.

Tuesday night, [Charter school leaders](#) and families spoke during public comment at the CCS Board of Education meeting. They recently received letters explaining that the district determined it was "impractical" to transport their students.

The district cited updates to Section 3327.02 of the Ohio Revised Code as the reason for the changes.

Families said they were not notified in the proper timeframe that their students would not be included in a CCS bus route.

"I literally lost a job because the transportation hasn't been taken care of yet, so I've been without employment, and I need that to move forward with the school," said Sina Draughn, who has grandkids attending a charter school, United Schools.

After hearing from several families and school leaders, CCS Board members unanimously voted to declare transportation impractical for certain students.

## WSYX

"What I can tell you is the information they're sharing with families is riddled with errors," said Andy Boy, CEO and Founder of United Schools. "It is coming late, and it is very hard to understand what's being communicated by the district, and it's happening in the 11th hour."

CCS has told ABC6/FOX28 that communication about the transportation changes was sent to families in June.

The Board's discussion about the matter during the meeting created more tension. Censured member Brandon Simmons, who created controversy due to a leaked document over the summer, shared his opinion on transportation issues for charter students. He did this during a time for questions from the Board members.

"There's a very simple solution here, and it's located at 430 Cleveland Avenue," said Simmons. "Central enrollment. If you are a charter school parent and you're struggling and your child can't get

to school, Columbus City Schools is a great option for your family. It's a great option for your students. Our staff are better trained. It's not located in a strip mall. Choose Columbus City Schools."

During his comment, Board President Christina Vera interrupted him three times, asking if he had a question.

"We're the better option anyways," said Simmons. "Your children will do better with us. Our staff are better trained. Columbus City Schools is just all around the better option."

"What he talked about in there about Columbus City Schools being the best for my children, it was not," said Draughn. "So we could also say the private school is better than Columbus City. That just sounds ignorant to me." We were a perfect fit for this school

"If CCS schools were working for the families that choose our schools, they would be there," Boy said.

CCS transportation leaders answered questions from Board members and said they handled the situations properly.

"For every student that we required or identified as impractical, we identified at least five of the six factors applied to those students. The notifications were sent out appropriately."

Parents can accept a payment made at the end of the year in lieu of transportation from CCS. If a family chooses to reject the payment, they can schedule a mediation with CCS to resolve the matter. Transportation leaders told Board members that they're taking the financial penalty instead of increasing routes for the charter students.

"We don't have the ability to start that," said Rodney Stufflebean, Executive Director of Transportation Services at CCS. "It would increase our routes by about 45 routes. So we would be subject to the penalty."

"To take a penalty over transportation safety to have our kids remain safely at school, I'm appalled," Draughn said.



# **ATTACHMENT A-3**

## EDUCATION

# Parents angry, Ohio AG threatens lawsuit as Columbus removes more students from busing



**Cole Behrens**

Columbus Dispatch

Published 5:32 p.m. ET Sept. 3, 2024 | Updated 11:29 a.m. ET Sept. 4, 2024

Ohio Attorney General Dave Yost on Tuesday sent a cease and desist letter to Columbus City Schools, saying the district needed to resume providing transportation to hundreds of nonpublic charter and parochial school students it dropped without warning or face a lawsuit.

Yost's announcement in a media release came just hours before Columbus City school board met Tuesday evening and voted on a new resolution saying it cannot transport some charter and nonpublic students because of the cost and disruption to its transportation services.

In an email response to The Dispatch the district said it had received Yost's letter and would "respond as appropriate." A spokesperson told The Dispatch at Tuesday's meeting that the district would issue a statement about the letter.

At Tuesday's meeting, the CCS board voted on another resolution declaring more students impractical for transportation. The Dispatch has requested the district provide how many children the district has already said it cannot transport.

Under Ohio law, school districts are obligated to provide transportation for nonpublic school students who live within district boundaries and will attend a school no more than 30 minutes from the public school which they would attend if they were enrolled.

At Tuesday's meeting and other recent meetings, the district has declared some charter and nonpublic students "impractical" for transportation, meaning the district says it cannot transport them and agrees to pay families for the costs of transportation at the end of the school year. Families would be responsible for transporting those students themselves using their vehicles, COTA bus service or Uber, Lyft or cab services they pay for up front.

**More:** Columbus Schools warns of late buses when school starts as district seeks more drivers

The district says it transports more than 8,000 charter and nonpublic school students in addition to CCS students.

## **Charter parents, students, administrators: busing situation 'unthinkable'**

During Tuesday's meeting, Saturn Messina, 16, a student at the Metro Public Early College High School charter school, said that forcing female students to use COTA transportation to get to school every day threatened girls' safety.

"I have lost my ability to feel safe making my way to school," Messina said. "I am consistently afraid to ride COTA every morning."

Messina said that for many young girls, there is a constant threat of sexual violence from using public transportation.

"I am not delusional enough to think that I can change your mind," Messina said. "But tonight, when you go home, please look at the young women in your life, and think they deserve to feel safe on the transit that they have to use, and so do I."

Ignazio Messina, parent of Saturn Messina, told the district last week that he received his notice that his child was ineligible for transportation just 12 days before school started, and that the district has failed to continue to provide transportation during a mediation process as required by law.

He said he and other parents have been met with either rudeness — or silence — from the district as they tried to sort out their children's transportation situation.

"I think we should be reminded that for many parents in the district, transportation required by law is a need, not a want," Messina said. "They need this."

Andy Boy, CEO of United Schools Network, a network of central Ohio charter schools, said the "kinds of challenges that have have been put in front of families are just unthinkable or unacceptable." He said that many parents were informed of busing impracticality just a week or two weeks before school starts in some cases.

He said some parents have even had to immediately withdraw from United Schools as a result.

"The consternation of their families is off the charts. We've got mothers, grandmothers, families and tears like, 'What am I supposed to do? I worked so hard to set this up for my family to make sure that this is working,'" Boy said.

Jennifer Griffith, principal of Franklinton High School, a charter school, told The Dispatch that she was glad to see Yost taking action against CCS because "someone is standing up for underserved families who want school choice for their children."

She said that not only have many students at the school been declared impractical for transportation, 20 students have been declared "ineligible" for transportation, meaning they do not qualify for a transportation reimbursement from the district.

"This is just flat out erroneous as all of our students live within the Columbus City Schools district and our school is located in Franklinton," Griffith said.

## **'Strong-arm tactic:' Yost threatens suit against CCS**

In a prepared media release, Yost called the district's move to decline transportation of some charter and nonpublic students "a strong-arm tactic."

"The solution of 'Well just come back to Columbus City Schools because we're great' doesn't work," Yost said. "The parents have already made the decision that they want to avail themselves of the other options. This kind of strong-arm tactic will not stand."

**More:** Nine Columbus City schools potentially face closure. Here's what to know

Yost said the district was refusing to comply with state law to transport children. He said in a video statement that the cease and desist letter warns the district that if it don't resume transportation to charter and nonpublic students, the Attorney General's Office will take CCS to court.

"Columbus City Schools has decided not to comply with state law — you don't get to do that — state law has to be followed," Yost said.

*Cbehrens@dispatch.com*

*@Colebehr\_report*

# **ATTACHMENT A-4**

[Return to Headlines](#)

## **COLUMBUS CITY SCHOOLS RESPONSE TO OHIO ATTORNEY GENERAL DAVE YOST**



## **Columbus City Schools Response to Ohio Attorney General Dave Yost**

**September 5, 2024**

Dave Yost

Ohio Attorney General

Administration Office

30 E. Broad Street, 17th Floor

Columbus, OH 43215

In reference to your September 3, 2024, letter, CCS believes its actions are consistent with the laws promulgated by the General Assembly and is complying with its legal obligations to transport students.

As a point of information, due to circumstances beyond its control, CCS found it necessary to re-evaluate its transportation operations. Even with improved efficiencies, the re-evaluation led to the realization that it was untenable for CCS to continue to transport students that it is not required to transport. At present, CCS is transporting approximately 37,000 students. This number includes approximately 9,000 community and nonpublic school students who have been deemed eligible and practical to transport. CCS, and

contracted vendors, cover 470 routes. For context, these routes include transportation to 113 CCS school buildings and up to 167 community and nonpublic school buildings.

Your letter conflates the ineligibility for transportation determinations, under R.C. 3327.01, with the impractical to transport determinations under R.C. 3327.02. These two statutes involve different decision-making processes and remedies available to the families of students.

CCS staff is working with the Ohio Department of Education and Workforce (“ODEW”) and families daily regarding CCS’s determinations. R.C. 3327.01, which is commonly known as the 30-minute rule, specifically permits CCS, and all Ohio public school districts, to determine that a student is ineligible for public school district transport if “such transportation would require more than thirty minutes of direct travel time as measured by school bus from the public school building to which the pupils would be assigned if attending the public school designated by the district of residence.”

The Columbus City School District does not discriminate based upon sex, race, color, national origin, religion, age, disability, sexual orientation, gender identity/expression, ancestry, familial status or military status with regard to admission, access, treatment or employment. This policy is applicable in all district programs and activities.

CCS has no legal obligation to transport ineligible students under R.C. 3327.01 or 3327.02, and students deemed ineligible for transportation are not entitled to mediation and/or payment in lieu of transportation. Instead, either CCS or the student’s parent/or guardian can request an official timing to determine eligibility for CCS transportation. CCS and ODEW have coordinated a time schedule to conduct official timings upon request. If an official timing, conducted by ODEW, determines that the afore-mentioned distance is under 30 minutes, then an impractical to transport review is conducted.

As indicated previously, R.C. 3327.02 governs impractical to transport determinations. R.C. 3327.02(A) specifically provides that CCS “may determine that it is impractical to transport a pupil who is eligible for transportation” using the following 6 factors:

- (1) The time and distance required to provide the transportation;
- (2) The number of pupils to be transported;
- (3) The cost of providing transportation in terms of equipment, maintenance, personnel, and administration;
- (4) Whether similar or equivalent service is provided to other pupils eligible for transportation;
- (5) Whether and to what extent the additional service unavoidably disrupts current transportation schedules;

(6) Whether other reimbursable types of transportation are available.

CCS, working with an outside consultant (Ohio School Board Association), believes that it has substantially complied with all the requirements set forth in R.C. 3327.02.

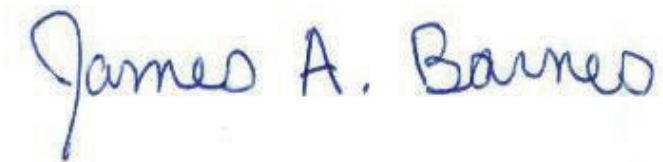
Your letter also references timelines. R.C. 3327.02(B) describes the process for making impractical to transport determinations. This section requires that such determinations be made not later than thirty (30) days before a community or nonpublic school is scheduled to begin classes, and the Superintendent made those determinations within the required time. After the CCS Board of Education passed the required Resolution to effectuate the Superintendent's impracticality determinations, CCS issued letters, via certified mail, to the individual families with a description of the reasons for the Superintendent's determination. The letter also included an offer for payment in lieu of transportation. Such an offer could only be made after the Board passed the above-referenced Resolution.

R.C. 3327.02(F), promulgated by the General Assembly, clearly sets forth the remedies available to families. It provides, in part, that if a public school district fails to provide transportation for impractical students during mediation, DEW shall order the school district to pay a fine, up to \$2,500, to the student's parent/guardian. The statute also authorizes DEW to implement a fine, if, following a Chapter 119 hearing, it is determined that it is not impractical to transport a student. Foremost, the statute provides for an adequate remedy at law for all parties.

Based on the above, your threat to file a lawsuit against CCS is an improper infringement upon CCS's right to make ineligibility and impractical to transport determinations. Your threat to file a lawsuit against CCS also serves to usurp and circumvent the authority of the General Assembly, which promulgated the above-referenced statutes. Finally, your threat to file a lawsuit against CCS is also an infringement upon the equal rights of public school districts and community or nonpublic school parents/guardians to due process.

I am hopeful that my response to your letter provides clarity in this transportation matter. Thank you for your attention.

Sincerely,

A handwritten signature in blue ink that reads "James A. Barnes". The signature is written in a cursive, slightly slanted style.

James A. Barnes, Esq.



# **ATTACHMENT 3**



# Franklin - Jordan Affidavit - CCS Mandamus.pdf

DocVerify ID: 523C6FDE-48E4-4551-A69B-675588004054  
 Created: September 23, 2024 05:42:47 -8:00  
 Pages: 3  
 Remote Notary: Yes / State: OH

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## E-Signature Summary

### E-Signature 1: Lakeeya Laneice Jordan (LLJ)

September 23, 2024 09:42:42 -8:00 [9524EC10BE4F] [104.28.32.128]  
 keeyaj89@gmail.com (Principal) (ID Verified)

### E-Signature Notary: Joshua Richardson (JR)

September 23, 2024 09:42:42 -8:00 [3DE0D15583F8] [64.128.48.50]  
 Joshua.Richardson@OhioAGO.gov  
 I, Joshua Richardson, did witness the participants named above electronically sign this document.



**IN THE SUPREME COURT OF OHIO**

STATE OF OHIO ex rel. DAVE YOST  
ATTORNEY GENERAL, :  
 :  
Relator, : Case No. 2024-1250  
 :  
v. :  
 :  
COLUMBUS CITY SCHOOLS BOARD OF :  
EDUCATION :  
 :  
Respondent. :

---

**AFFIDAVIT OF LA'KEEYA JORDAN**

---

STATE OF OHIO :  
 : ss  
COUNTY OF FRANKLIN :

Now comes La'Keeya Jordan who, having been first duly sworn, attests and affirms from personal knowledge the following:

1. I am over eighteen (18) years of age and am competent to testify as to all matters within this Affidavit. The facts set forth herein are based upon my own personal knowledge.
2. My child is enrolled in a charter school within the Columbus School District, Columbus Preparatory Academy.
3. My child is eligible for transportation from the Columbus School District and has received that transportation in previous school years.
4. This year, my child's first day of school was August 21, 2024.
5. I did not receive notice that my child had been determined by the Columbus City Schools Board of Education (the "Board") as impractical to transport until August 20, 2024, by

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electronic mail, the day before school. In that email, I was advised that a letter had also been sent. However, the certified letter, postmarked August 22, 2024, did not arrive until after school had started.

6. On Saturday August 24, 2024, I mailed in the form rejecting payment in lieu and requesting mediation. Along with the form, I sent a handwritten letter explaining why I did not want and was not seeking payment, and instead, wanted to seek mediation.

7. After following up with Columbus City Schools related to this issue, I was advised to fill out the form. I responded by advising them that I did so two week ago, though they stated they did not have the form in their records.

8. As such, I filled out the form and returned it via email and provided information to the Ohio Department of Education Workforce as requested.

9. However, to date, no mediation with the Board has occurred, nor have I received any information confirming that a mediation has been scheduled.

10. My child has not received any transportation for the 2024-25 academic year from the Board.

11. The Board's failure to timely notify me of the impracticality decision and subsequent refusal to transport during mediation continues to cause uncertainty and concern as to whether I will be able to get my child to school. I am without access to a car to transport my child to school given my husband and my work schedule and the fact that we share a car. As such, we have arranged to pay a friend, who is currently out of work, \$100 per week to transport my child to school. However, it is uncertain for long we will have this potential workaround to address the Board's failure to provide transportation while my mediation request is pending.

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12. I have followed up several times with regarding the status of the mediation, including as recently as September 17, 2024, but I still have yet to receive any information.

Further affiant sayeth naught.

*Lakeeya Laneice Jordan*  
Signed on 2024/09/23 09:42:42 -8:00  
**LA'KEEYA JORDAN**

Sworn to before me and signed in my presence, a Notary Public in and for said State of Ohio on this 23rd day of September, 2024.



*Joshua Richardson*  
Signed on 2024/09/23 09:42:42 -8:00

Notarial act performed by audio-visual communication

523C6FDE-48E4-4551-A69B-675588004054 --- 2024/09/23 05:42:47 -8:00 --- Remote Notary



# **ATTACHMENT 4**



### ACPA Affidavit - CCS Mandamus.pdf

DocVerify ID: 64094D1B-9CC3-40EA-939B-DAD80E75F21D  
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#### E-Signature Summary

**E-Signature 1: Sarah Silver (SS)**

September 23, 2024 10:53:10 -8:00 [C1554EFF9C99] [98.100.255.115]  
silver@artcollegeprep.org (Principal) (ID Verified)

**E-Signature Notary: Joshua Richardson (JR)**

September 23, 2024 10:53:10 -8:00 [F313E14009F0] [64.128.48.50]  
Joshua.Richardson@OhioAGO.gov  
I, Joshua Richardson, did witness the participants named above electronically sign this document.



**IN THE SUPREME COURT OF OHIO**

STATE OF OHIO ex rel. DAVE YOST  
ATTORNEY GENERAL, :  
 :  
Relator, : Case No. 2024-1250  
 :  
v. :  
 :  
COLUMBUS CITY SCHOOLS BOARD OF :  
EDUCATION :  
 :  
Respondent. :

---

**AFFIDAVIT OF SARAH SILVER**

---

STATE OF OHIO :  
 : ss  
COUNTY OF FRANKLIN :

Now comes Sarah Silver who, having been first duly sworn, attests and affirms from personal knowledge the following:

1. I am over eighteen (18) years of age and am competent to testify as to all matters within this Affidavit. The facts set forth herein are based upon my own personal knowledge.
2. I am the Transportation Director at Arts & College Preparatory Academy, which is a charter school within the Columbus School District.
3. In my role, I have received information from various student families related to their requests for transportation and for mediation to challenge impracticality determinations.
4. Through these communications, I am aware of at least one student's family, who is still awaiting an official certified letter of impracticality from the Columbus City Schools. The Columbus City Schools has told the student's parent that a mediation or payment in lieu of

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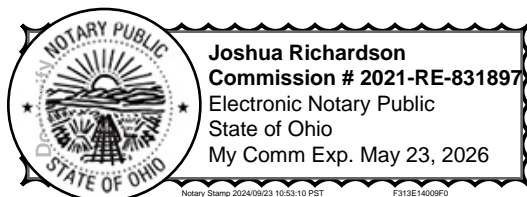
transportation cannot be sought until after receipt of this certified letter declaring impracticality. On September 20, 2024, the parent inquired about the status of the certified letter and was advised that they are on a list to receive the certified letter, but that there is a backlog and Columbus City Schools does not know of a timeframe for when the parent will receive the certified letter. As such, it is weeks into the school year and the certified letter has still not been received by this family.

5. Unfortunately, we are unaware of how many of our students' families may be in the same position, as we have not received adequate information from Columbus City Schools despite our requests, and instead, must attempt to obtain such information from surveying our student population.

*Sarah Silver*  
Signed on 2024/09/23 10:53:10 -8:00

**SARAH SILVER**

Sworn to before me and signed in my presence, a Notary Public in and for said State of Ohio on this 23rd day of September, 2024.



*Joshua Richardson*  
Signed on 2024/09/23 10:53:10 -8:00

Notarial act performed by audio-visual communication

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